

Notes

¹ Cohen, Carl (1986), "The Case for the Use of Animals in Biomedical Research," *New England Journal of Medicine*, 315, pp. 865-870. All page references in the text are to this article.

² Regan, Tom (1983), *The Case for Animal Rights* (Berkeley, California, University of California Press).

³ Singer, Peter (1975), *Animal Liberation* (New York, Avon Books).

⁴ Singer, Peter (1986), "Animal Liberation," in VanDeVeer, Donald and Pierce, Christine (eds.), *People, Penguins, and Plastic Trees* (Belmont, California, Wadsworth), p. 31.

⁵ Singer, Peter (1979), *Practical Ethics* (Cambridge, Cambridge University Press), p. 53.

⁶ Office of Technology Assessment (OTA) (1986), *Alternatives to Animal Use in Research, Testing, and Education* (Washington, D.C., U.S. Government Printing Office, OTA-BA-273), p. 138.

⁷ *Ibid.*

⁸ The Food Security Act of 1985 (Public Law 99-198).

⁹ The Health Research Extension Act of 1985 (Public Law 99-158).

¹⁰ The Health Professions Educational Assistance Amendments of 1985 (Public Law 99-129).

¹¹ See OTA, *Alternatives to Animal Use in Research, Testing, and Education*, Ch. 13.

¹² See Singer, *Animal Liberation*, Ch. 2; Ryder, Richard (1985), "Speciesism in the Laboratory," in Singer, Peter (ed.), *In Defense of Animals* (New York, Basil Blackwell) pp. 77-88; Jamieson, Dale and Regan, Tom (1982), "On the Ethics of the Use of Animals in Science," in Regan, Tom and VandeVeer, Donald (eds.), *And Justice For All* (Totowa, New Jersey, Rowman and Littlefield), pp. 169-196; Rollin, Bernard (1981), *Animal Rights and Human Morality* (Buffalo, Prometheus Books), Ch. 3.

¹³ Available from People for the Ethical Treatment of Animals, P.O. Box 42516, Washington, D.C. 20015.

¹⁴ Available from Bullfrog Films, Inc., Olney, PA.

¹⁵ See National Institutes of Health (1985), *Guidelines for the Care and Use of Laboratory Animals* (Bethesda, MD, NIH Pub. No. 85-23).

¹⁶ See OTA, *Alternatives to Animal Use in Research, Testing, and Education*, p. 43.

¹⁷ I would like to thank Beverly Diamond, John Dickerson, Martin Perlmutter, and Hugh Wilder for helpful suggestions on earlier drafts of this paper.



TREATING ANIMALS NATURALLY?

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Editors' Note: This article is a response to an article by Professor Peter S. Wenz, "Treating Animals Naturally," published in *Between the Species*, vol 5, no. 1, pp. 1-10.

Of the nine chapters in *Environmental Ethics* I most expect criticism on the one on higher animals — not because my treatment of animals is socially controversial but because it isn't. The chapters on organisms, species, and ecosystems all depart more radically from current thought. My value theory in the book is objective, running upstream against a torrent of subjectivity. But my account of animals will disappoint animal activists. I eat animals and leave them to perish in the wild. I kill goats to save a few endangered plants. I tolerate hunting, under ecosystemic conditions. I accept some wildlife commerce as a management tool. I seem to have no mercy.

Frankly too, I am less than confident in applying my theory to the examples I cite. I changed my mind about some of them while researching the book. My theory leads to unexpected conclusions.



DISCUSSION

If I need food, I will shoot and eat a deer; I will no longer cut a wild blue spruce for a Christmas tree. Wenz may be right that I am seriously confused! I welcome his thoughtful effort to disentangle my confusions. I need all the help I can get. Environmental ethics is far more complex than first appears, both theoretically and operationally.

We treat animals *naturally*. The adverb "naturally" modifies the verb, but much hangs on whether it characterizes the behavior of the human subject directly or derivatively, directly characterizing the animal object. If it characterizes both, how does it join these? Note that somewhere, somehow we must move from an *is* in nature and human nature to an *ought* in human conduct. We risk committing the alleged naturalistic fallacy.

What is *natural to humans*? If the adverb "naturally" applies to humans directly, we will move from descriptive facts about human nature or humans in nature to a prescription for human conduct. I stumbled over this question for years, and still stumble. So I do not find it surprising that Wenz finds my argument confusing. The substructure of the book will go unnoticed by many readers, but the philosophically sophisticated will see that the last part of Chapter 1, which details seven senses of "following nature" is a prerequisite for understanding Chapter 2 on higher animals.¹

Let us unpack three levels of answer.

(1) What nature do humans *share* with non-human animals? The natural is what we hold in common with them, because both we and they are part of nature. Animals get hungry and are satisfied by food, get tired and are rested by sleep, suffer pains and enjoy pleasures. How do humans behave in ways that reflect their animal nature? This will be shared mammalian nature, to some extent shared even with birds and reptiles, and based on biochemistry below that. It will involve human ecology.

Wenz takes me to begin by reading the question at this level. If we "accept human beings as a part of, not apart from nature, ... environmental ethics must prescribe behavior that is natural in the sense that it accords with the place of human beings in the biosphere." The ethic will be a continuity ethic.

(2) What is the nature of *humans*? Each natural kind has its distinctive nature. Nature is plural and takes diverse expressions in the natural kinds.

There is no Nature in the singular, though there are natural systems, and natural processes result in nature₁, nature₂, nature₃ ... nature_n. Coyotes have their nature, warblers theirs. What is the distinctive, unshared human nature? Attributes appear that are qualitatively and quantitatively not similarly present in nonhumans. Human nature is expressed in personality. Only humans are ethical. An ethic here will be a discontinuity ethic.

(3) How does culture differ from nature? The answer to (2) leads to paradox. Events that happen in spontaneous nature differ in kind from deliberated human actions. The winds blow, the rivers flow, seeds sprout, and animals behave instinctively. Birds build their nests and coyotes hunt ground squirrels with little reflective deliberation, nor do they much rebuild their environment. By "blind" natural selection they are adapted fits in the ecosystems they inhabit. When humans emerge, they become radically discontinuous because they constantly deliberate about their behavior, dramatically rebuild their environment, and the result is culture. Humans evolve out of nature, and they make exodus out of nature. Culture is an emergent superposed on nature. "Man is by nature a political animal."² Each natural kind is idiographic, but the human kind is also transcendent. Human nature is surprising, not natural in any prior mammalian or animal senses but is "political" or civil. Human nature is "super-natural." (I use the word didactically, hyphenating to flag its nonce use.) Human nature is artifactual, deliberately producing the artifacts of culture. The marvelous powers of brain coupled with hand, both evolved in nature, pass over into something more. The forces of natural selection are relaxed; humans have no niche in which they are an adapted fit. They make fires, houses, fly in jet planes, and do philosophy. Deliberated culture replaces spontaneous nature. "Man is the animal for whom it is natural to be artificial."³ There is no following nature in the artifactual sense.⁴ The answer to (3) explodes the word "natural" in the original question.

Applied to ethics, conscience is not natural at level 1; it is at level 2 in the distinctive human-nature sense; and it is "super-natural" at level 3. This is the human *superiority* I defend. There are no moral agents in wild nature; humans are born with a capacity for conscience, nurtured by each

culture as humans relate ethically to other humans; and humans transcend the natural when they deliberate ethically. Coyotes do not relate to other coyotes ethically much less to humans; humans relate to other humans ethically, and they can also relate to coyotes ethically. That is not natural in us but super-natural. For human moral agents to treat animals ethically and naturally (level 1) is biologically impossible and a contradiction in terms. There is no following nature in the imitative ethical sense.⁵

We must ask not only about moral agents but also about moral patients. This is not particularly problematic in interhuman ethics; the class of moral agents (in normal, noninfant, nonsenile humans) is the same as the class of moral patients. In environmental ethics the class of moral patients further includes animals — and even plants, species, and ecosystems. I judge from Wenz's *Environmental Justice* (a fine work that I recommend) that he largely shares these even more radical convictions.⁶



How ought animals be treated? My general answer is that humans ought to "treat animals naturally." (1) The use should be natural, basic to animal and human ecology, continuous with the natural processes on which culture is superposed. (2) The use should not be above the baseline of pain that characterizes natural systems, but it may be continuous with it. (3) The use should not cause pointless pain. (4) The use should include appropriate respect for intrinsic, instrumental, and systemic values in nature. Such use will follow nature in relative, homeostatic, axiological, and tutorial senses.⁷

Wenz's fundamental misgiving, theoretically, is that the "problematic distinction" between the cultural and the natural is logically and empirically impossible and therefore cannot be made operational. "There never was a natural, non-cultural human being or human pursuit." "This renders impossible the task which Rolston sets himself of differentiating among human activities those which are cultural from those which are natural." Practically, a confused, impossible distinction will be used in an arbitrary way to legitimate the lamentable *status quo*.

I agree that culture is always nonnatural in the level 1 sense. It may prove to be impossible to separate out the natural in, with, and under culture for the purposes of an environmental ethic. They are certainly entwined. The analysis is complex, but unless we try, we are not going to have an *environmental* ethic, one rich enough to place humans ethically in their natural environment.

Given the analysis above, we should not start unpacking the adverb "naturally" by asking about *human* nature. "Naturally" at level 1, in what we share with mammalian nature, there is no ethics. At level 2, ethics is "natural" to humans in their cultures and interhuman relations, but animals (either wild or domesticated) are not humans and cannot enter culture, and thus cannot be treated "naturally" analogously to the ways we characteristically treat other humans in culture. At level 3 ethics is "super-natural" or "artificial," deliberated, not instinctive, and no moral judgments are possible "naturally."

We start unpacking the adverb "naturally," I argue, by asking about *animal* nature. After we

have recognized the distinctive characteristics of human nature — that humans, differing from animals, are moral in culture — we further develop an environmental ethic and ask how humans should treat animals, who are morally considerable though not in culture. My answer is that they should be treated naturally, that is, recognizing their intrinsic animal natures and their ecological places in the world. So far, the word “naturally” has no reference to humans.

Following the natural, I accept
fur coats on Eskimos, but not
on fashion models.... I eat cows and
make shoes of their hides but
disapprove of anaconda boots worn
as a status symbol.... If substitutes are
readily available, I will not raise and
kill animals merely for the leather....
But if I need a covering for my feet,
like a covering for my back, this seems
vital enough to warrant killing an
animal.... If I am going to eat the cow,
why waste the hide?

Where wild animals are left in their native ecosystems, they are not fed in bad winters, not given medical treatment, not protected from predators. (If their native ecosystems are not left, matters complicate.) We ought to act differently

with unfed, injured humans, who share culture with us. But we have no obligations to help wild animals; we are obliged to leave them alone. We value them in their own ecology.

With domestic animals and with animals taken for use in culture, implementing “naturally” becomes tricky. No culture can be built without capturing resources, exploiting nature in the technical sense. A spontaneous natural source is redirected by deliberation into a re-source. It is perfectly “natural” (level 2) for humans to do this. We ought not to prohibit this, indeed we cannot without forbidding all culture. Many of these resources are inanimate or botanical, but some are zoological.

Now we can turn to applying the adverb “naturally” to humans. Certainly humans treat animals naturally in the level 2, human-nature sense when they exploit them for culture. They use hand and brain, evolved out of nature, to capture animals for cultural purposes. Are there any ethical constraints on this exploitation? My answer is that humans ought here be homologous with nature. This cannot be analogous, because culture and nature do not have parallel logic; culture is deliberated; nature is spontaneous. But it can be homologous, with functional similarities. Humans do not entirely exit nature; their culture is supported by nature. At this point even within culture we can use the level 1 sense of “natural.” Humans share with mammals the need for food, shelter, cover, and so on. It is biologically natural for humans to capture animals to meet these basic, animal-level requirements. Capable of culture, humans devise novel, artifactual, super-natural ways of such capture, but that does not make such capture unnatural. Humans are naturally omnivores; the earliest emergent cultures were those of hunter-gatherers. Later they domesticated animals. Today in modern industry and technology we do not prohibit exploiting animals in the technical sense of using them resourcefully. Resource use of one animal by another is a characteristic of the world humans inherit (a premised fact), one which they are under no obligation to remake (a concluded ought).

Eating is an event in nature before, during, and after it takes place as an event in culture — in a way that marriage, promise-keeping, courts of law,

and fashion shows are not. For this reason I eat meat and accept hunting where the taken animal is eaten. I even argue that participating in food chains in this earthy way can educate the hunter in philosophical ecology. We learn where humans live in nature as this lies in, with, and under culture.

By contrast, blood sacrifice for religious purposes, slaughter to satisfy kosher standards is not "natural" to humans at level 1 (other mammals are not religious), though religion is "natural" at level 2, that is, a regular product of human nature and characteristic of all classical cultures. Religion is even super-natural at level 3 (approaching now the ordinary use of "supernatural"). No one who sacrifices animals before God to expiate sin is treating animals naturally, where the adverb refers either to the biology and ecology of animals or to what humans share with animals. Nevertheless, I can tolerate such sacrifice where the animals are also eaten (as Jews and Muslims do); there is a natural component within such events, though superposed with cultural components.

But I am unwilling to tolerate either nonhomologous pain, or even needless pain, to satisfy cultural (in this case religious) requirements. Though it would require doing theology to settle the matter, I suspect that when religions realize how continuing their classical forms of ritual satisfaction now demands needless animal pain, they will modify their claims and be enriched theologically. My own religion improved when I stopped cutting wild trees for Christmas.

Following the natural, I accept fur coats on Eskimos, but not on fashion models. The fur on the Eskimo is doing what the fur on the seal is doing, protecting against the cold. The fur on the fashion model is flattering her vanity; seals are not vain, nor can they be flattered. I eat cows and make shoes of their hides but disapprove of anaconda boots worn as a status symbol by the coach at a professional football game. If substitutes are readily available, I will not raise and kill animals merely for the leather. That is pointless. But if I need a covering for my feet, like a covering for my back, this seems vital enough to warrant killing an animal. The leather protects my feet, the hide protects the cow. If I am going to eat the cow, why waste the hide? That seems pointless.

I am trying to locate cultural activities that are *vital* in biological senses, close to the natural (level 1), and this can include cultural activities that are basic culturally because they are basic biologically, basic to human ecology. Wenz lets Eskimos hunt and wear fur too, and I do not think he differs with me here as much as first appears. I am trying to prohibit cultural activities that exploit animals for culturally innovative reasons, even if these are culturally significant. When humans shoot elephants to make ivory piano keys, this is unnatural (level 1), pointless and without appropriate respect, though such elephants might not suffer above the threshold and though music is natural to humans (level 2), significant in all cultures.

When humans deal with animals, our ethics takes its cues from the nature of animals and their place in nature and from our animal roots and human ecology. They eat and are eaten. We have evolved out of that natural order and must eat. We have made exodus from that natural order in forming culture; we transcend nature asking how to count animals ethically. My answer is that they are still in nature (unlike humans, whom we do not eat since they are with us in culture). My answer is that we (who are super-natural ethically) are still natural enough to eat them. We treat animals naturally, where naturally refers first to their animal nature, then affirms the animal nature and place we share with them, and judges (super-naturally) that our environmental ethics (differently from our interhuman ethics) obliges accepting rather than remaking our ecology.

The logic of the move from *is* in nature to *ought* in human conduct is complex. Half moves to the super-natural; half endorses the natural. Humans and animals are both continuous and discontinuous with each other. Treating animals naturally requires a conjunction of two conditions (as well as passing the further conditions of not being pointless and showing appropriate respect). "Naturally" must apply to the object animal and to the subject human. Fur covers Eskimos and seals. Humans eat as predators eat.

The ethic in one sense is not, and in another sense is, coming out of the adverb "naturally." It does not. For human agents no ethic comes out of doing anything "naturally." Certainly, pace Wenz, there is nothing about avoiding pointless or

culturally-induced suffering that treats animals naturally. No ethical deliberation is natural at the level 1 sense; no predator reflects and concludes that it ought to kill humanely.

It does. The constraints of our super-natural, artifactual ethic ought to recognize what these animal moral patients are "naturally," what domestic animals once were and still partially are. It also recognizes what we moral agents were once and still are "naturally," human animals who must eat and stay warm in a shared ecology. That is why raising fur is an intermediate case; it depends on what the fur is for.

We follow nature, not operating as moral agents (not the imitative ethical sense) but accepting ourselves, animals, and ecosystems for what they are and the continuity we have with them (following in relative, homeostatic, axiological, and tutorial senses), exploiting them for our culture, using them as resources, but constraining that use by an appropriate fit of our culture and our nature to their nature. We get ethics naturalized. Environmental ethics thus contributes to the human adapted fitness in the world.⁸

All *ethics in hunting* is unnatural (level 1); human hunters share no ethics with animal predators. An ethical hunter is, in our provocative sense, super-natural, discontinuous (at level 3) with anything found in nonhuman nature. *Ethics in hunting* may consider other human hunters (game limits, leaving quarry for the next hunter, safety precautions); this is social convention, natural if at all in the level 2 sense. *Ethics in hunting* may also consider the hunted animals and treat them naturally. Meat hunting is natural (level 1, shared with animals); trophy hunting is unnatural (no wolves hunt for trophies). Sport hunting is hybrid; kept in a meat hunting matrix (if hunters eat what they kill), it is acceptable. Animal hunters enjoy their kill. Pushed toward the mere-killing-for-sport syndrome, it becomes evil.

Grooming is natural. Birds preen; cats lick their coats. Lemurs pick ticks and debris out of each other's fur. Such behavior has been naturally selected because it is hygienic and contributes to fitness. In some animals it is further incorporated into dominance hierarchies. (Take care; grooming is an eclectic set of behaviors, not well understood. Dominance is a troublesome concept in animal ethology. Analogies to culture are dubious.) Human

grooming for health is natural (level 1). But a new shade of Revlon lipstick, sold by advertisements appealing to female vanities and status, marketed to edge further into a billion dollar cosmetics market, has nothing to do with health or human ecology.

Health is natural; medical care is cultural, superposed on the natural. To sort out the natural and unnatural in medicine would take an army of Ph.D.'s in linguistic analysis, all with an M.D. in medicine. There are some easy examples. The insulin in the cow is doing what the insulin does in humans (though most insulin is now synthetic). More difficult is the human use of animals in experimental medicine. It should be vital, but what that means will take explorations for which I am not competent. Nor do I think that Wenz and I disagree at this point.

I make some pragmatic compromises. In Louisiana, if and only if alligators need to be cropped for their own good or for human safety (the "self-defense" of which Wenz approves), then a management incentive that gets the job done without taxpayer expense is to use the hides, otherwise left to rot in pointless waste. That allies economics with what is good for the alligators or safe for humans, even though, alas, the skins enter the fashion market.

Abroad, I would rather have crocodiles for the right reasons, but in the real world of culture exploiting nature, I would rather have crocodiles for the wrong (economic) reasons than not to have them at all. Most of us do not eat crocodiles, but all need to eat. If subsistence peoples, though they do not eat crocodiles, can hunt them, sell them, and eat, I may accept this twisting of my model, rather than see seventeen of twenty-one species of crocodile extinct, because people must eat. But I only accept it until I can educate all involved — native, middle-man, and fashion model — to a better appreciation of what crocodiles are in themselves and in their riverine ecosystems.

All this is complex. It may, as Wenz fears, be used to justify the *status quo*. Sorry. I have just illustrated my pragmatism; still, so far as we can, it is better to get the theory right, even if the theory resists simple applications, than to have simple applications based on bad theory. Since much human life is lived in what I call a "domain of hybrid values,"⁹ decisions here can seem arbitrary, especially to those

unwilling to look beneath to see how a principle is applied with some close judgment calls. Wenz can appreciate this from his experience in case law.

Are there better alternative theories, easier to make operational? Wenz's proposed solution depends on a distinction between primitive (hunter-gatherer) cultures and technical (agricultural-industrial) cultures, on grounds that the former do not interfere with speciation while the latter do. In this particular sense the former use animals naturally; the latter do not. I certainly argue for the protection of speciating processes against cultural shutdown, especially as extinction has escalated unnaturally in the twentieth century, but doubt that this can be made the "key" to a comprehensive animal ethic.

If we only permitted uses of animals "that do not appreciably impair the natural evolutionary process of speciation," there would never have been horses, wagons and plows, nomads and camels, cows and milk, chickens and eggs. All domestication disrupts speciation in the wild species. Flora are as important as fauna in ecosystems, so there is no reason to apply a speciation-test ethic to animals and not to plants. Were we to do that, there would be no agriculture. Nor would there be cities and industry, since all these activities appreciably affect speciation in what were once pristine ecosystems.

Further, I disapprove of Indians who kill eagles for feathers as a status symbol for the chief, whether this interferes with speciation or not. If it did not, Wenz would apparently approve where this is "essential to the maintenance of their culture." I oppose trophy and mere sport hunting, whether or not the hunt endangers speciation in the hunted species. Protecting species and speciation is critical, but it cannot generate an ethics for dealing with common wild or domestic animals. Self-defense as a constraint on killing is certainly natural but not the only behavior that humans share with animals, and so it cannot generate all the principles we need.

Perhaps we can turn to rights for animals or calculate their utilities against ours. In his own theory in *Environmental Justice*, Wenz grants rights to animals and places them in concentric circles further out where there are weaker obligations than those to humans who inhabit nearer circles, because the humans are closer kin or biographically associated with us.¹⁰ Do these alternatives promise to be logically clearer or any less prone to corruption by bias?

Notes

¹ *Environmental Ethics*, pp. 32-44. See also "Can and Ought We to Follow Nature?" *Environmental Ethics* 1 (1979): 7-30, reprinted in *Philosophy Gone Wild* (Buffalo, NY: Prometheus Books, 1986).

² Aristotle, *Politics*, 1, 2. 1253a2.

³ Lucius Garvin, *A Modern Introduction to Ethics* (Cambridge, MA: Houghton Mifflin, 1953), p. 378.

⁴ *Environmental Ethics*, pp. 34-35.

⁵ *Environmental Ethics*, pp. 38-40.

⁶ Peter S. Wenz, *Environmental Justice* (Albany, NY: State University of New York Press, 1988).

⁷ *Environmental Ethics*, pp. 35-44.

⁸ *Environmental Ethics*, pp. 328-341.

⁹ *Environmental Ethics*, pp. 330-331.

¹⁰ *Environmental Ethics*, pp. 310-335.

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